

**IN THE UNITED STATES DISTRICT COURT OF GEORGIA
NORTHERN DISTRICT / ATLANTA DIVISION**

THERAPY FOR BLACK GIRLS, LLC,
a domestic limited liability company,
Plaintiff(s),

vs.

COMPILE, INC., d/b/a BETTERHELP, Inc.,
a foreign domestic corporation,
Defendant(s)

CV:

HONORABLE:

COMPLAINT

NOW COME, Therapy for Black Girls®, LLC, Plaintiff, by and through its undersigned counsels, and against the Defendant, Compile, Inc., doing business as, BetterHelp, Inc. (hereinafter, “BetterHelp”), and plead the claims in support of Trademark Infringement 15 U.S.C. § 1121, et. seq.:

PARTIES

1. Plaintiff Therapy For Black Girls, LLC is a limited liability company organized and existing under the laws of the State of Georgia, having its principal place of business at 108 E. Ponce de Leon Avenue, Suite 200, Decatur, GA, 30030, USA.
2. Therapy For Black Girls® is a federal registered mark owned by Therapy For Black Girls, LLC.
3. On information and belief, Compile Inc. is a corporation organized and existing under the laws of the State of Delaware, and doing business as and in California, USA as BetterHelp, Inc. having its principal place of business at 440 N Wolfe Rd, Sunnyvale, CA, 94089.

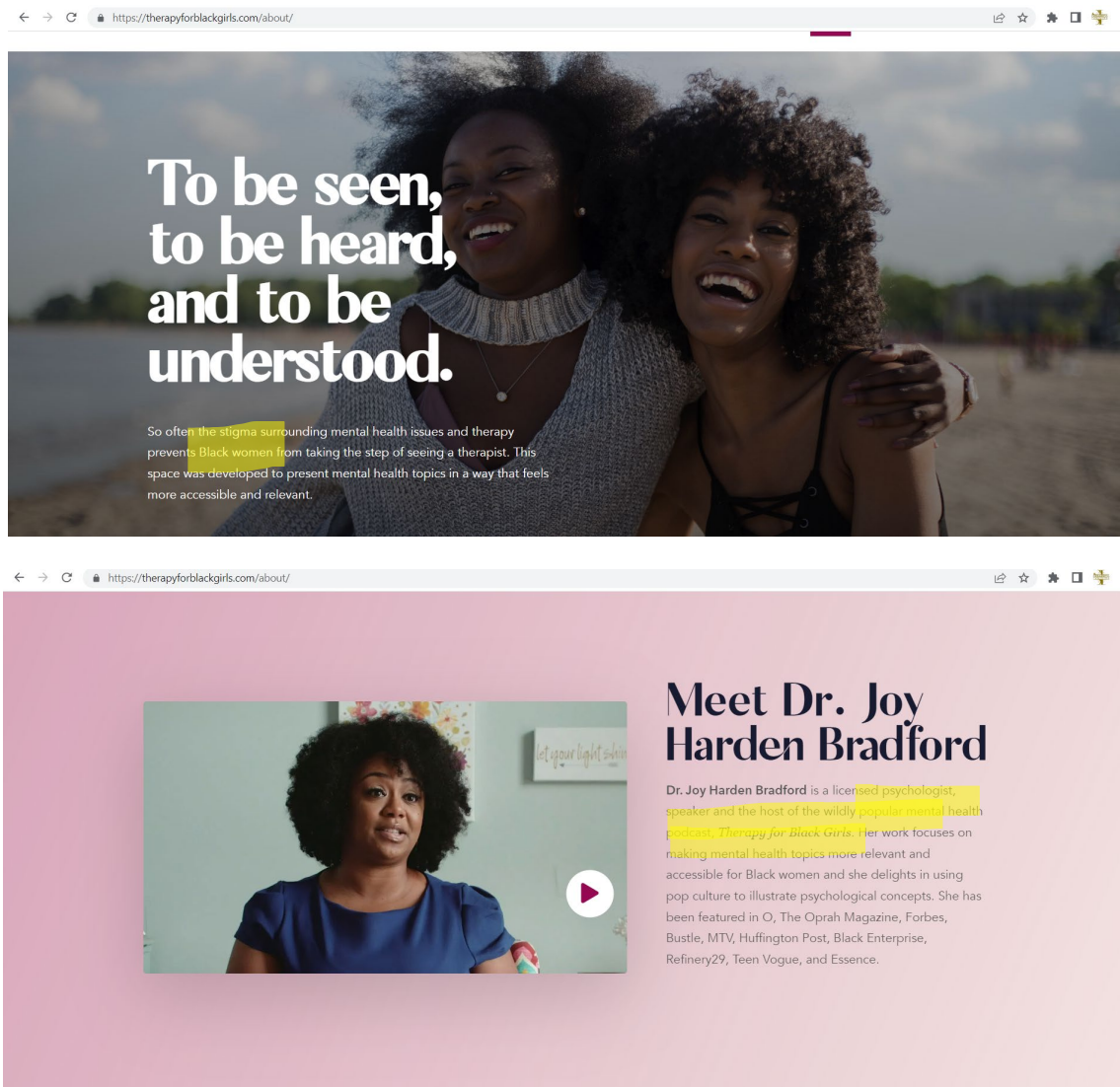
4. On information and belief, BetterHelp advertises, distributes, markets, and sells wellness and therapy services using Therapy for Black Girls® federal mark.

JURISDICTION & VENUE

1. This Court has subject matter jurisdiction under section 39 of the Lanham Act, 15 U.S.C. § 1121, and under 28 U.S.C. §§ 1331 and 1338.
2. Subject matter jurisdiction over Therapy for Black Girls, LLC and Therapy For Black Girls® mark related state and common law claims is proper pursuant to 28 U.S.C. §§ 1338 and 1367.
3. This Court has personal jurisdiction over BetterHelp because on information and belief, (a) BetterHelp has marketed, distributed, offered for sale, and/or sold services infringing the Therapy for Black Girl mark to persons within the State of Georgia; (b) BetterHelp regularly transacts and conducts business within the State of Georgia; and/or (c) BetterHelp has otherwise made or established contacts within the State of Georgia sufficient to permit the exercise of personal jurisdiction.
4. The District of Georgia is a proper venue pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the acts or omissions giving rise to Therapy for Black Girls®' claims occurred in this District.

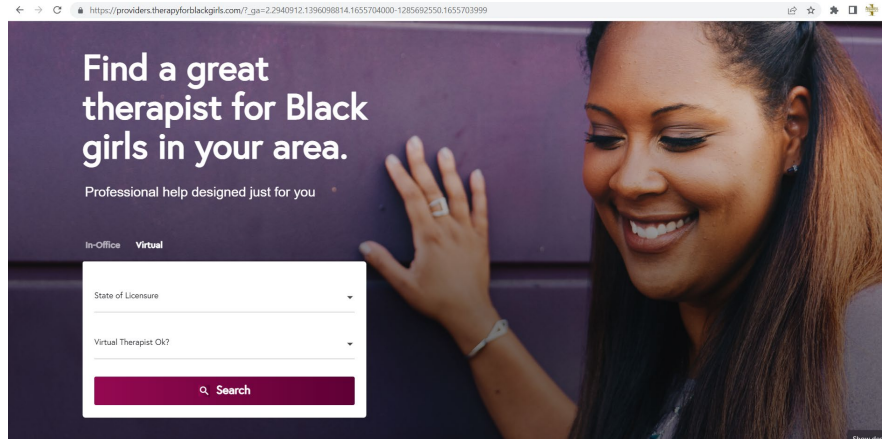
FACTS COMMON TO ALL CLAIMS FOR RELIEF

5. Over five (5) years ago, Dr. Bradford launched the brand, Therapy For Black Girls® to fight the stigma behind mental health for black women and girls.
6. In fact, the driving force behind Therapy For Black Girls® was to reach, connect, and support black women, black women clinicians, women of color, and women clinicians of color with psychological, counseling, mental health, mental wellness, and mental wellbeing awareness.



7. Dr. Bradford's target demographic consists largely of black women, but also provides services to black girls (below the age of 18) and women of color through the Therapy for Black Girls® platform. Such services include business-to-business (B2B) and business-to-consumer (B2C) support.

8. To support these women, Dr. Bradford's Therapy For Black Girls® platform, provides the ability for Black Women to easily find a Therapist who understands the unique mental health needs facing Black Women through an option to find a therapist on the therapyforblackgirls.com webpage. This is part of the B2C option.



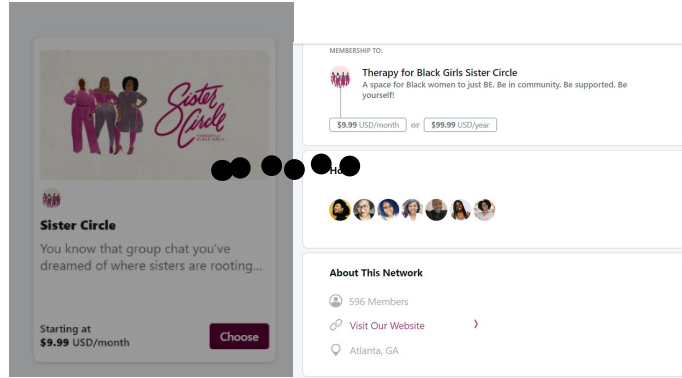
9. Therapy For Black Girls® also takes the guesswork and the inability to travel to an office, by helping black women search for qualified and licensed therapists for in-office or virtual appointments.

10. Currently, Therapy For Black Girls® have qualified black women therapists who pay \$15.00/month to be listed on the platform, illustrating the B2B, whereby therapist companies pay Therapy For Black Girls®, LLC.

11. Potential clients who are seeking consultation and support from a B2B licensed professional on Therapy For Black Girls® platform, are required to pay \$125 per session with the therapist that they find on the Therapy For Black Girls® platform.

12. For black women who simply needs a listening ear and someone to hold space for black women's concerns, Therapy For Black Girls® offers a more affordable solution with the Therapy For Black Girls® Sister Circle.

13. Currently, there are over 500 members of the Sister Circle and it has an average of 5,705 webpage impressions per month.



14. Therapy For Black Girls® has created in the minds of its consumers a safe space to discuss and provide solutions to black women around mental health issues.

15. Due to the trust and support that its consumers connect with, Therapy For Black Girls®, on average have 662,000 website page views and 261,913 impressions.

16. For over five (5) years, Dr. Bradford has been using the Therapy For Black Girls® mark in connection with these goods and services in the United States for the duration of that time.

17. As a result of Dr. Bradford's longstanding use of the mark and her quality goods and services, Therapy For Black Girls® has become widely known and famous throughout the United States (D A), thus resulting in the following:

- a. A directory with over 5,600 mental health professional subscriptions across the world,
- b. an email list of approximately 115,000,
- c. a podcast with over 450,000 listeners monthly, over 800,000 downloads, and 6,905 website impressions,
- d. high-level sponsorships,
- e. public speaking opportunities
- f. and numerous press and media features such as The O Magazine, Huffington Post, People, Yahoo, Essence, and Black Enterprise, to name a few.

18. The mark is closely identified with Dr. Bradford and represents substantial, valuable goodwill in the marketplace.

19. Therapy For Black Girls® brand reputation and value is what initially prompted

BetterHelp to contact Dr. Bradford regarding a business collaboration.

20. In fact, in December of 2017, BetterHelp's Senior Director of Business Development, Jeff Williams, contacted Dr. Bradford expressing a keen interest in promoting BetterHelp through Therapy For Black Girls®.

21. In June of 2019, Jeff Williams contacted Dr. Bradford again requesting to list 300 therapists from BetterHelp on the Therapy For Black Girls® platform.

22. One month later, Jeff Williams and Dr. Bradford conducted a discovery call to discuss Williams's interest in collaborating to which the parties had not come to an agreement.

23. Subsequently, in November 2019 and February of 2020, an advertising agency for BetterHelp contacted Dr. Bradford seeking to have an advertisement placed on Therapy For Black Girls® podcast.

24. No agreement was reached between BetterHelp and Therapy For Black Girls®.

25. Between the initial communication from BetterHelp's executive office, and the June 2019 request to place therapists on Therapy For Black Girls® platform, Dr. Bradford filed an application with the United States Patent and Trademark Office (USPTO) seeking federal registration of the mark, Therapy for Black Girls® on May 24, 2018. **Exhibit B.**

26. On September 15, 2018, Dr. Bradford was sent an Office Action refusing registration of the mark on the basis of being merely descriptive.

27. Dr. Joy's transactional counsels filed a response arguing against descriptiveness and substantially showed how the mark, Therapy for Black Girls®, had become a household name.

28. After such showing, the USPTO, On April 14, 2020, granted the registration of Therapy

for Black Girls® to Dr. Bradford with Certificate Registration No. 6034380, in connection with the description of goods and services referenced below, which are in full force and effect today

(Exhibit C):

Class 25: T-shirts, sweatshirts, tank tops and workout apparel, namely, tops as clothing, leggings, and sweatpants;

Class 35: On-line retail store services featuring women's apparel, men's apparel, workout apparel, and accessories, namely, bags, journals, and coffee mugs; providing online business directory featuring clinicians and other mental health providers in the fields of psychology, counseling, family and relationship matters, mental health and mental wellness; and

Class 41: Entertainment services, namely, providing podcasts in the fields of psychology, counseling, mental health and mental wellness for Black women, Black women clinicians, women of color and women clinicians of color; educational services, namely, providing on-line non-downloadable resources in the nature of blog posts and articles in the fields of psychology, counseling, family and relationship matters, mental health and mental wellness; educational services, namely, providing resources through community forums and social media platforms conducting live and online coaching, namely, classes, seminars, and workshop platforms for Black women, Black women clinicians, women of color, and women clinicians of color in the fields of psychology, mental health, and mental wellness; providing online publications in the nature of information products, namely, videos, audio recordings, and slide presentations in the field of psychology, counseling, family and relationship matters, mental health and mental wellness; providing a website featuring blogs and non-downloadable publications in the nature of articles in the fields of psychology, counseling, family and relationship matter, mental health and mental wellness.

29. On October 28, 2020, Dr. Bradford, while conducting a google search for Therapy for Black Girls®, recognized that Defendant, BetterHelp, was using her mark in advertisement by advertising “therapy for black girls.”

Ad · www.betterhelp.com/ ▾

Therapy For Black Girls - Therapy From Your Couch

Counseling by Online Chat, Video or Phone Available Anytime, Anywhere. Get Started Today!
100% Private Professional Counseling Anytime, Anywhere. Get Help & Get Happy. Start Now!
Video Chat **Therapy** Option. Get the Help You Need Now.

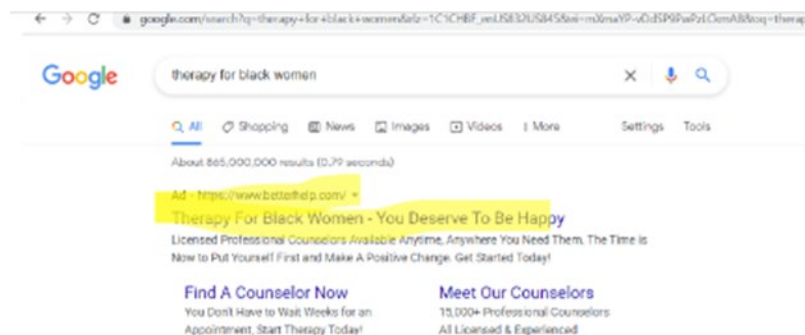
30. Towards the end of 2020, consumers began sending messages to Dr. Bradford stating that they were seeing ads from BetterHelp advertising “therapy for black women” and were confused by it.

31. Immediately, Dr. Bradford contacted her attorney and on December 1, 2020 a DMCA Takedown notice and complaint was were remitted to Google. **Exhibit D.**

32. In response, Google removed the initial ads.

33. On December 1, 2020, Therapy For Black Girls® initiated a Google Complaint to which Google initially restricted infringing advertising as stated in Google’s decision on February 12, 2021.

34. On March 8, 2021, Dr. Bradford discovered that Defendant was still infringing her mark by running Ads and slightly changing the term to “therapy for black women.”



35. Dr. Bradford’s counsel, on July 17, 2021, issued a Trademark Infringement Demand to BetterHelp and to cease and desist its infringing behavior which went ignored. In fact, the demand was ignored on multiple occasions.

36. On October 8, 2021, Therapy For Black Girls® submitted another demand which was

responded to by BetterHelp on August 20, 2021 denying infringement and claiming that the Therapy For Black Girls® mark did not extend to therapy services. **Exhibit E.**

37. Because of BetterHelp’s refusal to cease using marks that infringe the Therapy For Black Girls® brand, Therapy For Black Girls® alleges the following claims against BetterHelp:

**FIRST CLAIM FOR RELIEF:
(Federal Trademark Infringement)**

38. Therapy For Black Girls® repeats and incorporates by reference the allegations contained in paragraphs 1-38 as though fully stated in Count I.

39. BetterHelp’s advertisements using “Therapy for Black Girls” and “Therapy for Black Women” is likely to cause confusion, deception, and mistake by creating the false and misleading impression that BetterHelp’s goods or services are distributed or offered by Therapy For Black Girls®, or are associated or connected with Therapy For Black Girls®, or have the sponsorship, endorsement, or approval of Therapy For Black Girls®.

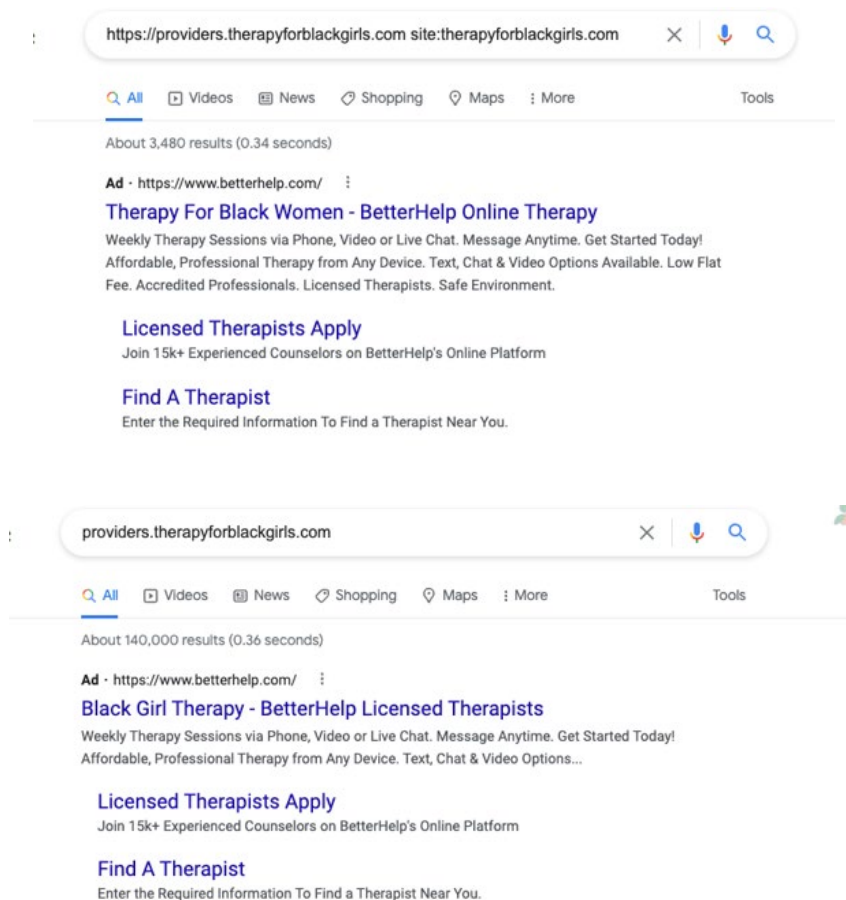
40. BetterHelp’s infringing “therapy for black girls” and “therapy for black women” is confusingly similar to Therapy For Black Girls® federally registered marks and class descriptions in violation of 15 U.S.C. § 1114.

41. BetterHelp’s activities are causing and, unless enjoined by this Court, will continue to cause a likelihood of confusion and deception of members of the trade and public, and, additionally, injury to Therapy For Black Girls® goodwill and reputation as symbolized by Therapy For Black Girls® trust, confidence, and support in the African American community, for which Therapy For Black Girls® has no adequate remedy at law.

42. Knowing that its advertisement was infringing Therapy For Black Girls® mark, and after refusing to communicate with Therapy For Black Girls® counsel to resolve the impending issue, BetterHelp took direct, intentional, willful, and malicious intent to trade on the goodwill

associated with Therapy For Black Girls® Mark causing Therapy For Black Girls® great and irreparable harm.

43. As of June 20, 2022, BetterHelp is still running these infringing ads, creating confusion in the marketplace, and causing Therapy For Black Girls® rankings on Google to dip below BetterHelp, a brand that was not built on serving the African American community.



44. BetterHelp caused and is likely to continue causing substantial injury to the public and to Therapy For Black Girls®, and Therapy For Black Girls® is entitled to injunctive relief and to recover BetterHelp's profits, actual damages, enhanced profits and damages, costs, and reasonable attorneys' fees under 15 U.S.C. §§ 1114, 1116, and 1117.

SECOND CLAIM FOR RELIEF
(Federal Trademark Dilution of the Therapy For Black Girls® Mark)

45. Therapy For Black Girls® repeats and incorporates by reference the allegations in the preceding paragraphs 1-45 as though fully stated herein.

46. For years, Therapy For Black Girls® has exclusively and continuously promoted and used the Therapy For Black Girls® Mark, both in the United States and throughout the world.

47. The Therapy For Black Girls® became a famous and well-known symbol of the African American community, specifically among African American women, women of color, African American mental health professionals, and women of color mental health professionals, and Therapy For Black Girls®'s products well before BetterHelp began using the Infringing advertising language "therapy for black women" and "black girl therapy."

48. BetterHelp is making use in commerce of the Infringing Therapy For Black Girls® Mark, which dilutes and is likely to dilute the distinctiveness of Therapy For Black Girls®'s Mark by eroding the public's exclusive identification of this famous mark with Therapy For Black Girls®, tarnishing and degrading the positive associations and prestigious connotations of the mark, and otherwise lessening the capacity of the mark to identify and distinguish Therapy For Black Girls®'s goods.

49. BetterHelp's actions demonstrate an intentional, willful, and malicious intent to trade on the goodwill associated with Therapy For Black Girls®'s Mark or to cause dilution of the mark to the great and irreparable injury of Therapy For Black Girls®.

50. BetterHelp has caused and will continue to cause irreparable injury to Therapy For Black Girls® goodwill and business reputations, and dilution of the distinctiveness and value of Therapy For Black Girls®'s famous and distinctive Mark in violation of 15 U.S.C. § 1125(c).

51. Therapy For Black Girls® therefore is entitled to injunctive relief and to BetterHelp's

profits, actual damages, enhanced profits and damages, and reasonable attorneys' fees under 15 U.S.C. §§ 1125(c), 1116, and 1117.

**THIRD CLAIM FOR RELIEF
(Unfair and Deceptive Trade Practices)**

52. Therapy For Black Girls® repeats and incorporates by reference the allegations in the preceding 1-45 as though stated fully herein.

53. BetterHelp has been and is passing off its goods and services as those of Therapy For Black Girls®, causing a likelihood of confusion or misunderstanding as to the source, sponsorship, or approval of BetterHelp's goods and services, causing a likelihood of confusion as to BetterHelp's affiliation, connection, or association with Therapy For Black Girls®, and otherwise damaging the public.

54. BetterHelp's conduct constitutes unfair and deceptive acts or practices in the course of a business, trade, or commerce in violation of the unfair and deceptive trade practices statutes of several states, including Georgia O.C.G.A. 10-1-372 (2010); California CAL. BUS. & PROF. CODE § 17200, et seq. (West 2009); Colorado, COLO. REV. STAT. ANN. §§ 6-1-101 to 6-1-115 (West 2009); Delaware, DEL. CODE ANN. tit. 6, §§ 2531 to 2536 (2009); Georgia, GA. CODE ANN. §§ 10-1-370 to 10-1-375 (2009); Hawaii, HAW. REV. STAT. §§ 481A-1 to 481A-5 (2009); Illinois, ILL. COMP. STAT. ANN. ch. 815, 510/1 to 510/7 (2009); Maine, ME. REV. STAT. ANN. tit. 10, §§ 1211 to 1216 (West 2009); Minnesota, MINN. STAT. ANN. § 325D.43 to .48 (West 2009); Nebraska, NEB. REV. STAT. §§ 87-301 to 87-306 (2009); New Mexico, N.M. STAT. ANN. §§ 57-12-1 to 57-12-22 (Michie 2009); New York, N.Y. GEN. BUS. Law § 349 (McKinney 2009); Ohio, OHIO REV. CODE ANN. §§ 4165.01 to 4165.04 (Baldwin 2009); and Oklahoma, OKLA. STAT. ANN. tit. 78, §§ 51 to 55 (West 2009).

55. BetterHelp's unauthorized use of a confusingly similar imitation of Therapy For Black

Girls®' Mark has caused and is likely to cause substantial injury to the public and to Therapy For Black Girls®.

56. Therapy For Black Girls®, therefore, is entitled to injunctive relief and to recover damages and, if appropriate, punitive damages, costs, and reasonable attorneys' fees.

**FOURTH CLAIM FOR RELIEF
(State Trademark Dilution and Injury to Business Reputation)**

57. Therapy For Black Girls® repeats and incorporates by reference the allegations in the preceding Counts, paragraphs 1-57 as though fully stated herein.

58. Therapy For Black Girls® has extensively and continuously promoted and used the Therapy For Black Girls®' Mark throughout the United States, and after demonstrating its wide reach and brand recognition to overcome a prior trademark rejection, Therapy For Black Girls® was published illustrating its substantial recognition in which the Mark became a distinctive, famous, and well-known symbol of Therapy For Black Girls®' goods and services well before BetterHelp began using the Infringing advertisements or offering the mental health services by using the infringing language "therapy for black women" and "black girl therapy."

59. BetterHelp's conduct dilutes and is likely to dilute the distinctiveness of Therapy For Black Girls®' Mark by eroding the public's exclusive identification of this mark with Therapy For Black Girls®, and tarnishing and degrading the positive associations and prestigious connotations of the mark, and otherwise lessening the capacity of the mark to identify and distinguish Therapy For Black Girls®' goods.

60. BetterHelp is causing and will continue to cause irreparable injury to Therapy For Black Girls® goodwill and business reputation and dilution of the distinctiveness and value of Therapy For Black Girls® famous and distinctive mark in violation of the Georgia anti-dilution

statute, GA. CODE ANN. § 10-1-451 (2009), as well as the anti-dilution laws of several other states, including Alabama, ALA. CODE § 8-12-17 (2009); Alaska, ALASKA STAT. § 45.50.180 (Michie 2009); Arizona, ARIZ. REV. STAT. ANN. § 44-1448.01 (West 2009); Arkansas, ARK. CODE ANN. § 4-71-213 (2009); California, CAL. BUS. & PROF. CODE § 14247 (West 2009); Connecticut, CONN. GEN. STAT. ANN § 35-11i(c) (West 2009); Delaware, DEL. CODE ANN. tit. 6, § 3313 (2009); Florida, FLA. STAT. ANN. § 495.151 (West 2007); Hawaii, HAW. REV. STAT. ANN. § 482-32 (Michie 2009); Idaho, IDAHO CODE § 48-513 (Michie 2009); Illinois, 765 ILL. COMP. STAT. ANN. 1036/65 (2009); Iowa, IOWA CODE ANN. § 548.113 (West 2009); Indiana, IN. CODE 24-2-13.5 (West 2009); Kansas, KAN. STAT. ANN. § 81-214 (2009); Louisiana, LA. REV. STAT. ANN. § 51:223.1 (West 2009); Maine, ME. REV. STAT. ANN. tit. 10, § 1530 (West 2000); Massachusetts, MASS. GEN. LAWS. ANN. ch. 110H, § 13 (West 2009); Minnesota, MINN. STAT. ANN. § 333.285 (West 2009); Mississippi, MISS. CODE. ANN. § 75-25-25 (2009); Missouri, MO. ANN. STAT. § 417.061(1) (West 2009); Montana, MONT. CODE ANN. § 30-13-334 (2009); Nebraska, NEB. REV. STAT. ANN. § 87140 (Michie 2009); Nevada, NEV. REV. STAT. 600.435 (2007); New Hampshire, N.H. REV. STAT. ANN. § 350-A:12 (2009); New Jersey, N.J. STAT. ANN. 56:3-13.20 (West 2009); New Mexico, N.M. STAT. ANN. § 57-3B-15 (Michie 2009); New York, N.Y. GEN. BUS. Law § 360-l (2009); Oregon, O.R.S. § 647.107 (2009); Pennsylvania, 54 PA. CONS. STAT. ANN. § 1124 (West 2009); Rhode Island, R.I. GEN. LAWS § 6-2-12 (2009); South Carolina, S. C. CODE ANN. § 39-15-1165 (2009); Tennessee, TENN. CODE ANN. § 47-25-513 (2009); Texas, TEX. BUS. & COM. CODE ANN. § 16.29 (Vernon 2009); Utah, UT. CODE ANN. § 70-3a-403 (2009); Washington, WASH. REV. CODE ANN. § 19.77.160 (West 2009); West Virginia, W.V. STAT. ANN. 47-2-13 (Michie 2009); and Wyoming, WYO. STAT.

ANN. § 40-1-115 (Michie 2009). 80. THERAPY FOR BLACK GIRLS, therefore, is entitled to injunctive relief, damages, and costs, as well as, if appropriate, enhanced damages, punitive damages, and reasonable attorneys' fees.

FIFTH CLAIM FOR RELIEF
(Common Law Trademark Infringement and Unfair Competition)

61. Therapy For Black Girls® repeats and incorporates by reference the allegations in the preceding paragraphs contained in Counts 1-61, as though fully stated herein.

62. BetterHelp's acts constitute common law trademark infringement and unfair competition, and have created and will continue to create, unless restrained by this Court, a likelihood of confusion to the irreparable injury of Therapy For Black Girls®.

63. Therapy For Black Girls® has no adequate remedy at law for this injury.

64. On information and belief, BetterHelp acted with full knowledge of Therapy For Black Girl® use of, and statutory and common law rights to, Therapy For Black Girls®' Mark and without regard to the likelihood of confusion of the public created by BetterHelp's activities.

65. BetterHelp's actions demonstrate an intentional, willful, and malicious intent to trade on the goodwill associated with Therapy For Black Girls®' Mark to the great and irreparable injury of Therapy For Black Girls®.

66. As a result of BetterHelp's acts, Therapy For Black Girls® has been damaged in an amount not yet determined or ascertainable. At a minimum, however, Therapy For Black Girls® is entitled to injunctive relief, to an accounting of BetterHelp's profits, damages, and costs.

67. Further, in light of the deliberate and malicious use of a confusingly similar imitation of Therapy For Black Girls®' Mark, and the need to deter BetterHelp from engaging in similar conduct in the future, Therapy For Black Girls® additionally is entitled to punitive damages.

**SIXTH CLAIM FOR RELIEF
(Federal Unfair Competition)**

68. Therapy For Black Girls® repeats and incorporates by reference the allegations in the preceding paragraphs contained in Counts 1 - 68 as though fully stated herein.

69. BetterHelp's conduct in the above described, violates the Lanham Act and constitutes unfair competition with THERAPY FOR BLACK GIRLS® by making or displaying any statement, representation, or depiction that is likely to lead the public or the trade to believe that (i) BetterHelp's services are in any manner approved, endorsed, licensed, sponsored, authorized, or franchised by or associated, affiliated, or otherwise connected with THERAPY FOR BLACK GIRLS or (ii) THERAPY FOR BLACK GIRLS therapy services are in any manner approved, endorsed, licensed, sponsored, authorized, or franchised by or associated, affiliated, or otherwise connected with BetterHelp.

70. BetterHelp's use of a confusingly similar mark has engaged in activity that infringes on THERAPY FOR BLACK GIRLS®' rights in its Therapy For Black Girls® mark.

71. BetterHelp has engaged in unfair competition by providing, selling, marketing, advertising, promoting, or authorizing any third party to, sell, market, advertise or promote BetterHelp's therapy services bearing the mark "Black Girl Therapy" or any other mark that is a confusingly similar variation, or colorable imitation of Plaintiff's Therapy For Black Girls® mark.

72. BetterHelp's continued, willful, and knowing use of THERAPY FOR BLACK GIRLS® mark constitutes willful infringement and unfair competition in violation of Section 43(a) of the Lanham Act, 15 U.S.C 1125(a).

PRAYER FOR RELIEF

WHEREFORE, THERAPY FOR BLACK GIRLS® prays that:

1. BETTERHELP and all of its agents, officers, employees, representatives, successors, assigns, attorneys, and all other persons acting for, with, by, through or under authority from BETTERHELP, or in concert or participation with BETTERHELP, and each of them, be enjoined from:

- a. advertising, marketing, promoting, offering for sale, distributing, or selling wellness services using "therapy for black girls," "therapy for black women," "black girl therapy,";
- b. using the Therapy For Black Girl® mark on or in connection with any of BETTERHELP's goods;
- c. using the Therapy For Black Girl® mark or any other copy, reproduction, colorable imitation, or simulation of THERAPY FOR BLACK GIRLS's Therapy For Black Girl® mark on or in connection with BETTERHELP's goods;
- d. using any trademark, name, logo, design, or source designation of any kind on or in connection with BETTERHELP's goods or services that is confusingly similar to any of THERAPY FOR BLACK GIRLS®'s trademarks, trade dresses, names, or logos;
- e. using any trademark, name, logo, design, or source designation of any kind on or in connection with BETTERHELP's goods that is likely to cause confusion, mistake, deception, or public misunderstanding that such goods or services are produced or provided by THERAPY FOR BLACK GIRLS®, or are sponsored or authorized by THERAPY FOR BLACK GIRLS®, or are in any way connected or related to THERAPY FOR BLACK GIRLS®;

- f. using any trademark, name, logo, design, or source designation of any kind on or in connection with BETTERHELP's goods that dilutes or is likely to dilute the distinctiveness of THERAPY FOR BLACK GIRLS® trademarks, trade dresses, names, or logos;
- g. passing off, palming off, or assisting in passing off or palming off BETTERHELP's goods or services as those of THERAPY FOR BLACK GIRLS®, or otherwise continuing any and all acts of unfair competition as alleged in this Complaint; and
- h. advertising, promoting, offering for sale, or selling as "therapy for black girls," "therapy for black women," or "black girl therapy," or other similar goods.

2. BETTERHELP be ordered to cease offering for sale, marketing, promoting, and selling wellness services or any other goods bearing the Therapy For Black Girl® mark or any other a confusingly similar imitation of THERAPY FOR BLACK GIRLS® 's Mark that are in BETTERHELP's possession or under its authority, to any customer, including, but not limited to, any wellness professional, marketer, and also to deliver to each such individual or separate offices, or customer a copy of this Court's order as it relates to said injunctive relief against BETTERHELP;

3. BETTERHELP be ordered to deliver up for impoundment and for destruction, all advertising, sample books, promotional materials, stationery, or other materials in the possession, custody or under the control of BETTERHELP that are found to adopt, infringe, or dilute any of THERAPY FOR BLACK GIRLS® 's trademarks or that otherwise unfairly compete with THERAPY FOR BLACK GIRLS® and its products;

4. BETTERHELP be compelled to account to THERAPY FOR BLACK GIRLS® for any

and all profits derived by BETTERHELP from the sale or distribution of the Therapy For Black Girls® mark;

5. THERAPY FOR BLACK GIRLS® be awarded all damages caused by the acts forming the basis of this Complaint;

6. THERAPY FOR BLACK GIRLS® be awarded all damages caused by the acts forming the basis of this based on BETTERHELP's knowing and intentional use of a confusingly similar imitation of the THERAPY FOR BLACK GIRLS® mark, the damages awarded be trebled and the award of BETTERHELP's profits be enhanced as provided for by 15 U.S.C. § 1117(a);

7. BETTERHELP be required to pay to THERAPY FOR BLACK GIRLS® the costs and reasonable attorneys' fees incurred by THERAPY FOR BLACK GIRLS® in this action pursuant to 15 U.S.C. § 1117(a) and the state statutes cited in this Complaint;

8. Based on BETTERHELP's willful and deliberate infringement and/or dilution of the THERAPY FOR BLACK GIRLS® mark, and to deter such conduct in the future, THERAPY FOR BLACK GIRLS® be awarded punitive damages;

9. THERAPY FOR BLACK GIRLS® be awarded prejudgment and post-judgment interest on all monetary awards; and

10. THERAPY FOR BLACK GIRLS® be awarded prejudgment and post-judgment interest on all monetary THERAPY FOR BLACK GIRLS® be granted such other and further relief as the Court may deem just.

JURY TRIAL DEMAND

THERAPY FOR BLACK GIRLS® respectfully demands a trial by jury on all claims and issues so triable.

DATED: July 26, 2022

Respectfully Submitted,

/s/ Brittany K. Anderson

Brittany K. Anderson
Anderson O'Neal, LLC
Georgia Bar No, 489271
3343 Peachtree Rd. NE, Ste 1025
Atlanta, GA 30326
404.857.1166
Brittany@andersononeal.com

EXHIBIT A



Pages

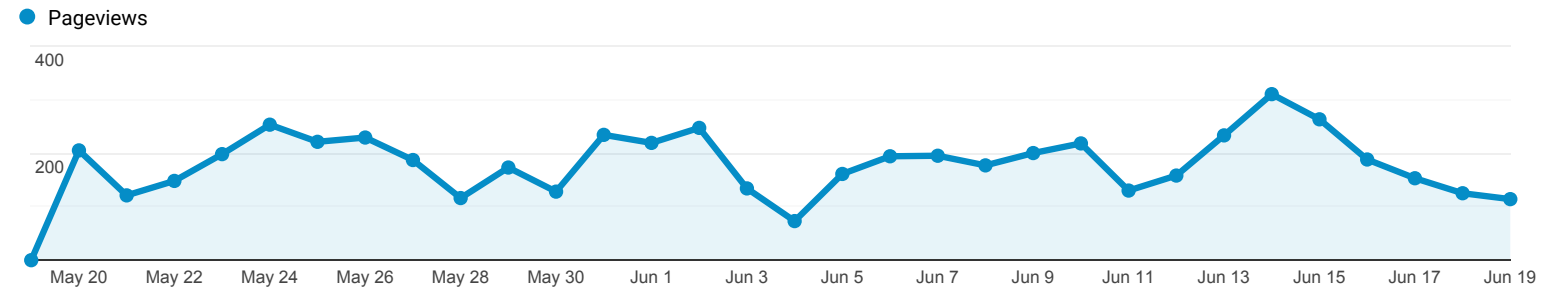
ALL » PAGE: community.therapyforblackgirls.com/

May 19, 2022 - Jun 19, 2022



All Users
1.20% Pageviews

Explorer



Page	Pageviews	Unique Pageviews	Avg. Time on Page	Entrances	Bounce Rate	% Exit	Page Value
	5,705 % of Total: 1.20% (475,077)	2,792 % of Total: 0.72% (388,584)	00:00:24 Avg for View: 00:01:10 (-65.61%)	856 % of Total: 0.72% (119,122)	3.27% Avg for View: 52.40% (-93.76%)	22.70% Avg for View: 25.07% (-9.47%)	\$0.48 % of Total: 374.31% (\$0.13)
1. community.therapyforblackgirls.com/	5,705 (100.00%)	2,792 (100.00%)	00:00:24	856 (100.00%)	3.27%	22.70%	\$0.48 (100.00%)

Rows 1 - 1 of 1



Engagement overview



Custom May 19 - Jun 19, 2022

All Users

Add comparison

Average engagement time

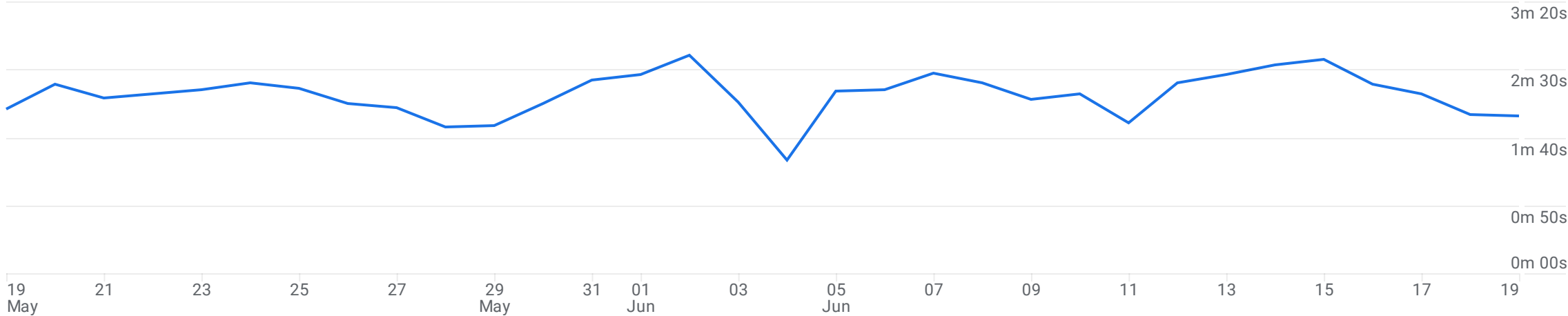
2m 48s

Engaged sessions per user

0.85

Average engagement time per session

1m 50s

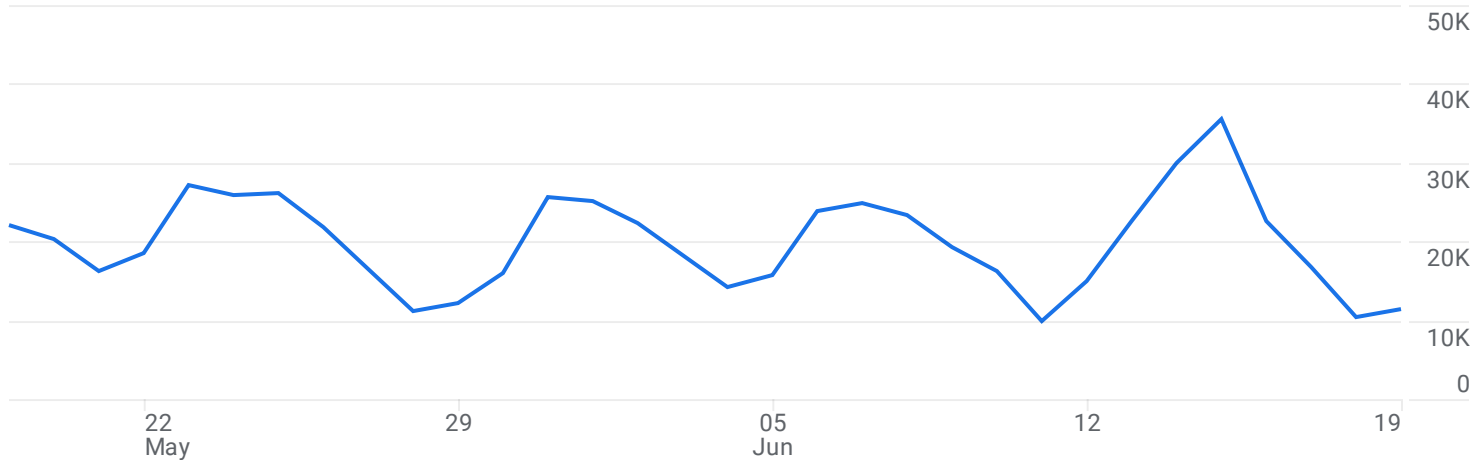


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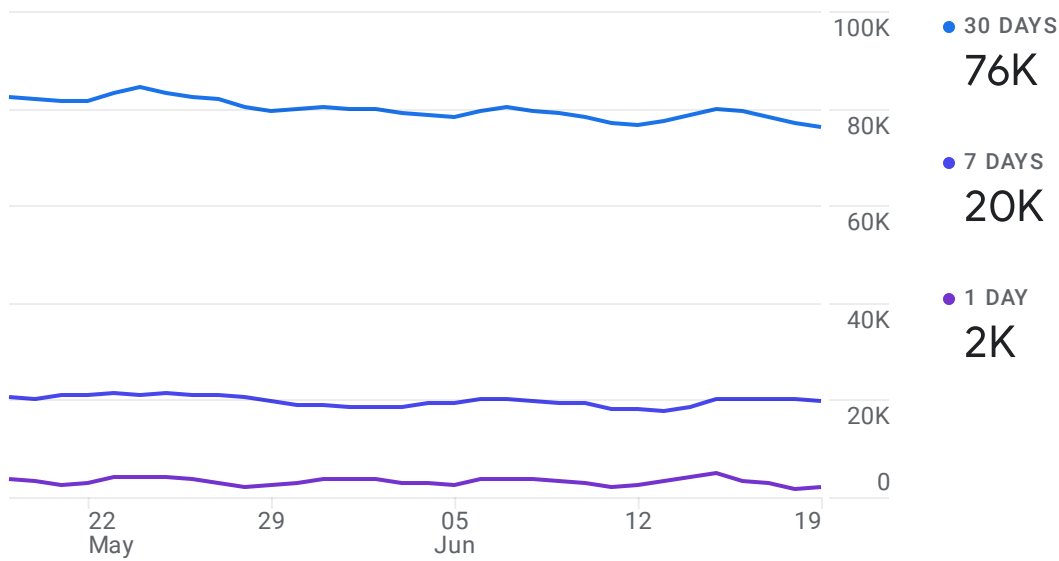
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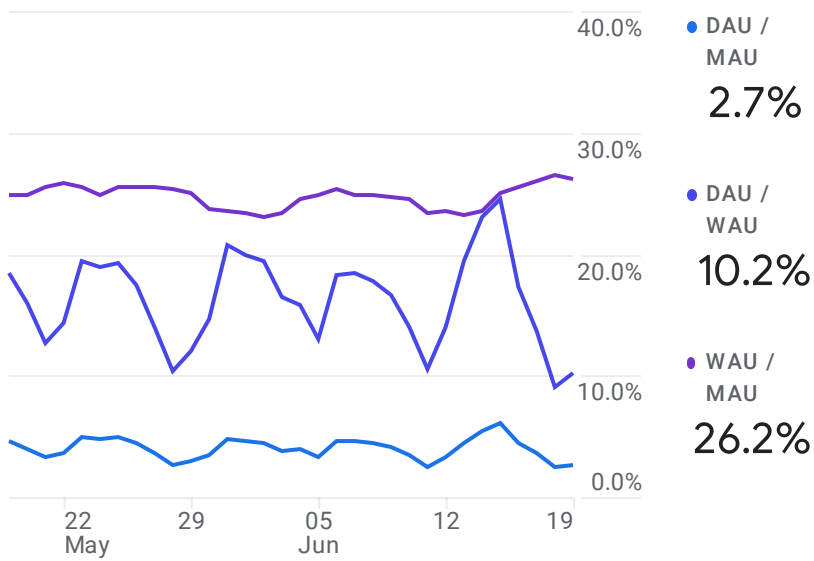
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6/17/2022	0	3	0	108	5644	0	2	75	0	1785	0
6/18/2022	0	1	0	141	5645	1	1	25	0	2445	0
6/19/2022	0	3	0	115	5647	4	4	75	0	1725	0
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Soul-Care: Why 'Burnout' Is Not An Individual Failing And How To Protect Yourself From It

DR. JOY HARDEN-BRADFORD ON THE POWER OF UNPLUGGING, CHANGING THE SYSTEMS THAT CONTRIBUTE TO SPIRITUAL FATIGUE AND MORE.



MAPODILE/GETTY

BY VICTORIA UWUMAROGIE · UPDATED AUGUST 5, 2021



psychology and theology.

We've talked about coping with spiritual fatigue and the ways it impacts us **physically** and **spiritually**, but you can't complete such a discussion without covering the obvious — the ways in which a weariness of the soul can affect you mentally.

As has been shared by our previous experts, spiritual fatigue can occur when we feel burdened from carrying around too many things, whether they are actual responsibilities or emotional weight that we don't confront.

"I think that overwhelm is a hallmark indicator of this, feeling [unsure of] where to start," says **Dr. Joy Harden-Bradford**, licensed psychologist and creator and host of the popular mental health podcast ***Therapy for Black Girls***. "Things may be really confusing. You just really feel like there's no clarity."

This feeling has become more common, of course, since COVID-19 upended life as we know it. However, she says that upheaval has benefited us because it put



to change.

“I think really what has happened this year more than any other year is that we have been shown just how many systems in our lives are unsustainable. It wasn’t until they all crashed at the same time,” she says. “And so I think when we have this conversation around burnout, we have to be really careful because it’s not an individual failing. It wasn’t that you just couldn’t keep up, it’s that you never were meant to keep up in the first place.”

One way to both cope and keep soul weariness at bay as we figure out what works and no longer serves us is to know when to unplug. That includes from actual devices, but also to just take a step back from everyday stressors (PTO day, anyone?).

“I think when we get into this feeling of like, just weariness, you really have to refit and really kind of look at like how many inputs there have been, and figure out how to unplug yourself from all of those things,” she says. “I think really kind of going inward and tapping into silence is really going to be important because you really need to give your body time to reset.”



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She also says people should allow themselves permission to do the things they dream about, to go after the opportunities that feel good to us and our souls now that there is more flexibility in how we can go about work and life. That will certainly aid in avoiding spiritual fatigue.

“Maybe you wanted to work for Netflix before, but the idea of moving to California wasn’t feasible. But now there’s a policy in a place where you could work from North Carolina and still have that job,” she says. “So I think giving

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While spiritual fatigue, or **burnout** as the mainstream refers to it, has been in the spotlight more due to the pandemic, it's something people have been struggling with for a very long time. Dr. Joy is encouraged to see that our shared experiences have allowed us to have more open conversations and she hopes they will continue.

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"I feel like we have been kind of trending in this direction even before the pandemic, but definitely now, when everybody feels like they were so stressed for these past months or year and a half, I think it has become even more destigmatized to kind of talk about how we're feeling," she says. "I'm really glad that people are continuing to have those conversations. I'm encouraged by the increasing resources that we see."



Still, Dr. Joy says soul unrest can't ultimately be put to rest until a better job is done to ensure that outside of our personal efforts, things are being done to change the systems that have played into the overall underwhelm so many have felt.

"Therapy is not going to be the answer for everybody and therapy cannot take care of everything. We still need to look at the systems that are in place that actually lead people to not feeling mentally well," she says. "There are other things that need to work in conjunction with therapy in order for us to really be mentally well."

"I think really with this pandemic, it has given us an opportunity to re-imagine what sustainable looks like when all these systems fail," she adds. "How can we reimagine these systems? Like in this effort to go back to the normal, do we really want to go back to the way things were? And the answer is no for a lot of things."

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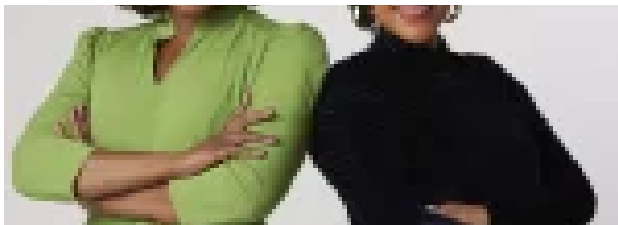
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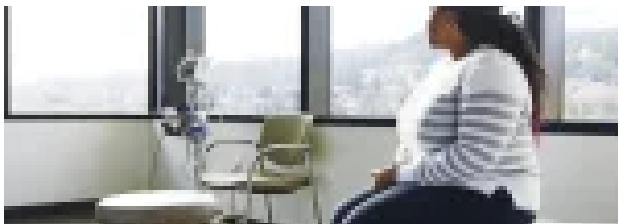
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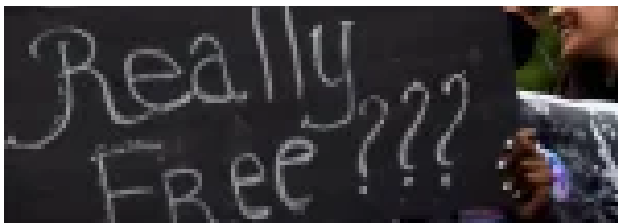
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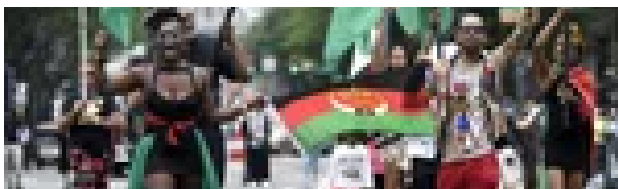
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Therapy for Black Girls founder Dr. Joy Harden Bradford on 'superwoman syndrome' and the importance of mental health for Black women



Megan Sims

July 11, 2021 · 9 min read



Dr. Joy Harden Bradford talks how she practices self-care and how Black women can set healthy boundaries. (Photo: Getty; designed by Quinn Lemmers)

The Unwind is Yahoo Life's well-being series in which experts, influencers and celebrities share their approaches to wellness and [mental health](#), from self-care rituals to setting healthy boundaries to the mantras that keep them afloat.

As a licensed psychologist and the founder of [Therapy For Black Girls](#), [Dr. Joy Harden Bradford](#) has committed herself to creating a safe space in which Black women can address mental health. With July marking BIPOC Mental Health Awareness Month, the mental health expert and podcaster tells Yahoo Life that, given the trauma of the past year, it is

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to racial injustice and the trauma that can come from racism — you don't want to have to go to someone who's not going to take you at your word for how you're feeling or somebody who [has] not necessarily been personally impacted by what we've seen happen this year," she explains. "And so I think for a lot of people, they take comfort in going to a therapist who looks like them, who they know will get the experience of what they're talking about and they won't be questioned."

Here, she opens up about what practices have helped in her own life, and how fellow Black women can protect their own mental health.

What are your go-to techniques for fighting stress and anxiety?

Getting outside typically is very helpful. [Also] deep breathing. I have different playlists on Spotify that are like people playing sound bowls and those kinds of things. They tend to be really helpful as well. The other thing that can be helpful is like holding a couple of ice cubes in your hand because it can really help you to kind of detach from whatever emotions you feel like are overwhelming you.

Do you have any small self-care rituals that you use to brighten your day?

I typically like to stay up later than everybody else in my house because that feels like an opportune time for me to kind of just be alone with my thoughts, [and] typically that is when I get my journaling done. I would say that's probably the only thing I have that is a regular part of my day.

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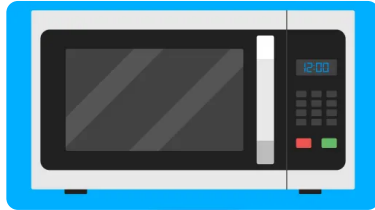
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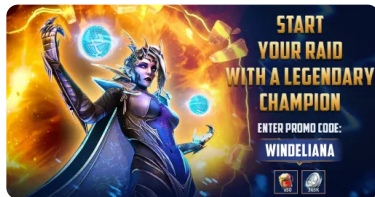


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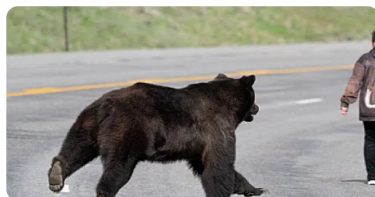


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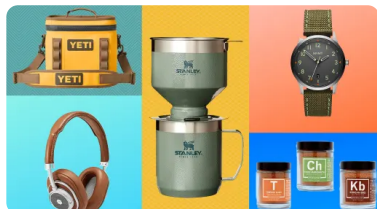


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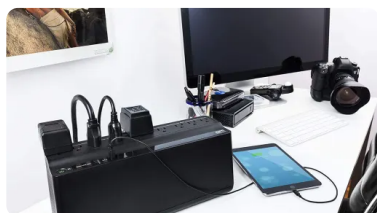


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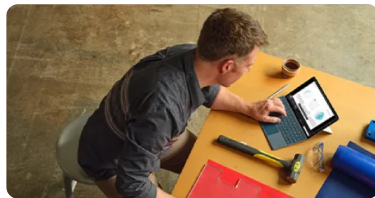


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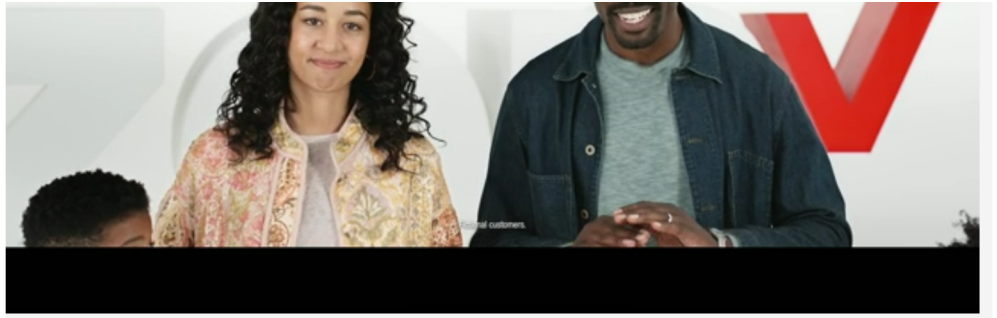
After watching the first [Black Girls Rock awards show](#) Joy Harden Bradford, Ph.D. was inspired to create Therapy for Black Girls, a platform encouraging the [mental wellness](#) of black women and girls. Over the years, Dr. Joy has expanded the platform from a blog to a podcast with listeners in 158 different countries, a Facebook group called the “Thrive Tribe” with over 13,000 women and a therapist directory which has grown to over 700 therapists in less than a year. “My work has always been heavily focused on black women and girls,” says Dr. Joy. I think too often we’re so busy taking care of other people that we aren’t always paying attention to what’s going on with us. I wanted a platform that helped sisters put the focus back on themselves.”

We caught up with Dr. Joy to get some insight on self-care, [the stigma of mental health in the black community](#), and cliché phrases to avoid when trying to help a depressed loved one.

What are the stigmas that often hold people of color back from therapy and what services or programs do you offer to combat these stigmas?

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I believe that many people of color have been socialized to believe that talking about private matters should only happen within the confines of the family (the whole idea of airing dirty laundry so to speak). Also, many people still don't know how therapy works or believe that only "crazy" people need therapy. There are also many people who still view mental illness and needing to go to therapy as a sign of a weak faith relationship, which, of course, is not the case.

The Therapy for Black Girls podcast is helping to reduce that stigma. The podcast episodes are designed to help people get an idea of the millions of different reasons someone might benefit from therapy. Listeners are also exposed to a variety of therapists that are guests on the show. This format helps them to realize that we all have different personalities and work differently so there is likely a therapist out there that's a great fit for everyone. I also do live video chats on both Instagram & Facebook at 12 noon ET every Thursday. I call it Three for Thursday and I share three tips about a topic and then open the floor for general questions. I think it's a great opportunity for people to get accurate information about mental health and to dispel any myths they may have about how therapy works, etc.

To date, what are your top three episodes?

1. [Self-Worth](#)
2. [Slaying Your Anxiety](#)
3. [This Isn't What I Imagined](#)

When it comes to mental health, what is the one thing that you think women overlook in maintaining self-care?

Boundaries! I think far too many of us don't say NO enough. No to that extra task at work, no to that friend who never shows up for us, no to that ex who keeps trying to come back into our lives, etc. I don't think we always realize the cumulative impact that taking on other people's stuff can have on our mental health.

What cliché phrases should we avoid when trying to help a depressed loved one?

- Just pray about it.
- Your life is so good, what do you have to be depressed about?
- Life is hard for everyone, toughen up.

While people may be well-intentioned when trying to help a loved one, these sentiments typically only make people feel like you don't understand them and that you're not someone they can go to in the future. *A nice alternative for this would be something like "I'm sorry to hear that you're struggling. Do you want to talk more about how you're feeling?"*

What do you believe people can do to reduce the stigma of depression and anxiety?

I think sharing more openly about our own struggles and experiences with therapy helps. I also think we have to be careful with our language. It's important to remove stigmatizing language from our vocabulary, so saying things like "she's so crazy" or "this gives me OCD" is something to avoid.

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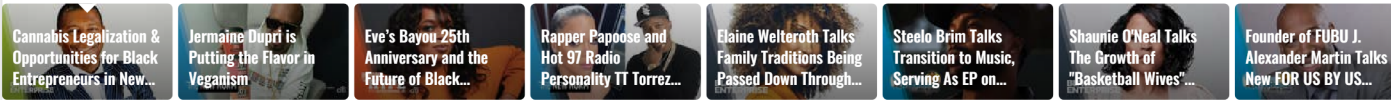


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GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	041
	Entertainment services, namely providing podcasts in the fields of psychology, counseling, mental health and mental wellness for Black women, Black women clinicians, women of color and women clinicians of color. Educational services, namely, providing on-line resources in the fields of psychology, counseling, family and relationship matters, mental health and mental wellness. Educational services, namely providing resources through community forums and social media

*IDENTIFICATION	platforms conducting live and on-line coaching, classes, seminars, and workshops platforms for Black women, Black women clinicians, women of color, and women clinicians of color in the fields of psychology, mental health, and mental wellness. Providing online publications in the nature of information products, namely, videos, audio recordings, and slide presentations in the field psychology, counseling, family and relationship matters, mental health and mental wellness. Providing a website featuring blogs and non-downloadable publications in the nature of articles in the fields of psychology, counseling, family and relationship matters, mental health and mental wellness.; Providing a directory of clinicians and other mental health providers in the fields of psychology, counseling, family and relationship matters, mental health and mental wellness.
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 08/11/2014
FIRST USE IN COMMERCE DATE	At least as early as 09/21/2014
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT17\IMAGEOUT17\879\353\87935388\xml1\ RFA0003.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\879\353\87935388\xml1\ RFA0004.JPG
SPECIMEN DESCRIPTION	Screenshot of blog post, backend of blog post and business cards bearing use of mark.
INTERNATIONAL CLASS	035
*IDENTIFICATION	On-line retail store services featuring women's apparel, men's apparel, workout apparel, and accessories, namely, bags, journals, and coffee mugs.
FILING BASIS	SECTION 1(b)
INTERNATIONAL CLASS	025
*IDENTIFICATION	T-shirts, sweatshirts, tank tops and workout apparel.
FILING BASIS	SECTION 1(b)
ATTORNEY INFORMATION	
NAME	Arnette A. Steele
FIRM NAME	Creative Genius Law
STREET	1765 Greensboro Station PL, Ste 900
CITY	McLean
STATE	Virginia
COUNTRY	United States
ZIP/POSTAL CODE	22102
PHONE	571-248-5158
FAX	571-248-5158
EMAIL ADDRESS	asteel@creativegeniuslaw.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
CORRESPONDENCE INFORMATION	

NAME	Arnette Steele
FIRM NAME	Creative Genius Law
STREET	1765 Greensboro Station Dr, Ste 900
CITY	MCLEAN
STATE	Virginia
COUNTRY	United States
ZIP/POSTAL CODE	22102
PHONE	571-248-5158
FAX	571-248-5158
*EMAIL ADDRESS	asteele@creativegeniuslaw.com
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
APPLICATION FILING OPTION	TEAS RF
NUMBER OF CLASSES	3
APPLICATION FOR REGISTRATION PER CLASS	275
*TOTAL FEE DUE	825
*TOTAL FEE PAID	825
SIGNATURE INFORMATION	
SIGNATURE	/Arnette A. Steele/
SIGNATORY'S NAME	Arnette A. Steele
SIGNATORY'S POSITION	Attorney of Record, Virginia bar member
SIGNATORY'S PHONE NUMBER	571-248-5158
DATE SIGNED	05/24/2018

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO Form 1478 (Rev 09/2006)

OMB No. 0651-0009 (Exp 02/28/2021)

Trademark/Service Mark Application, Principal Register

Serial Number: 87935388

Filing Date: 05/24/2018

To the Commissioner for Trademarks:

MARK: Therapy For Black Girls (Standard Characters, see [mark](#))

The literal element of the mark consists of Therapy For Black Girls.

The mark consists of standard characters, without claim to any particular font style, size, or color.

The applicant, Joy Kimberly Bradford, a citizen of United States, having an address of

XXXX

XXXX, XXXX XXXX

United States

804-501-8062(phone)

XXXX (not authorized)

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 041: Entertainment services, namely providing podcasts in the fields of psychology, counseling, mental health and mental wellness for Black women, Black women clinicians, women of color and women clinicians of color. Educational services, namely, providing on-line resources in the fields of psychology, counseling, family and relationship matters, mental health and mental wellness. Educational services, namely providing resources through community forums and social media platforms conducting live and on-line coaching, classes, seminars, and workshops platforms for Black women, Black women clinicians, women of color, and women clinicians of color in the fields of psychology, mental health, and mental wellness. Providing online publications in the nature of information products, namely, videos, audio recordings, and slide presentations in the field psychology, counseling, family and relationship matters, mental health and mental wellness. Providing a website featuring blogs and non-downloadable publications in the nature of articles in the fields of psychology, counseling, family and relationship matters, mental health and mental wellness.; Providing a directory of clinicians and other mental health providers in the fields of psychology, counseling, family and relationship matters, mental health and mental wellness.

In International Class 041, the mark was first used by the applicant or the applicant's related company or licensee or predecessor in interest at least as early as 08/11/2014, and first used in commerce at least as early as 09/21/2014, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) Screenshot of blog post, backend of blog post and business cards bearing use of mark..

[Specimen File1](#)

[Specimen File2](#)

International Class 035: On-line retail store services featuring women's apparel, men's apparel, workout apparel, and accessories, namely, bags, journals, and coffee mugs.

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services.

International Class 025: T-shirts, sweatshirts, tank tops and workout apparel.

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services.

For informational purposes only, applicant's website address is: www.therapyforblackgirls.com

The applicant's current Attorney Information:

Arnette A. Steele of Creative Genius Law 1765 Greensboro Station PL, Ste 900

McLean, Virginia 22102

United States

571-248-5158(phone)

571-248-5158(fax)
 astele@creativegeniuslaw.com (authorized)

The applicant's current Correspondence Information:

Arnette Steele
 Creative Genius Law
 1765 Greensboro Station Dr, Ste 900
 MCLEAN, Virginia 22102
 571-248-5158(phone)
 571-248-5158(fax)
 astele@creativegeniuslaw.com (authorized)

E-mail Authorization: I authorize the USPTO to send e-mail correspondence concerning the application to the applicant, the applicant's attorney, or the applicant's domestic representative at the e-mail address provided in this application. I understand that a valid e-mail address must be maintained and that the applicant or the applicant's attorney must file the relevant subsequent application-related submissions via the Trademark Electronic Application System (TEAS). Failure to do so will result in the loss of TEAS Reduced Fee status and a requirement to submit an additional processing fee of \$125 per international class of goods/services.

A fee payment in the amount of \$825 has been submitted with the application, representing payment for 3 class(es).

Declaration

☒ **Basis:**

If the applicant is filing the application based on use in commerce under 15 U.S.C. 1051(a):

- The signatory believes that the applicant is the owner of the trademark/service mark sought to be registered;
- The mark is in use in commerce on or in connection with the goods/services in the application;
- The specimen(s) shows the mark as used on or in connection with the goods/services in the application; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

And/Or

If the applicant is filing the application based on an intent to use the mark in commerce under 15 U.S.C. 1051(b), 1126(d), and/or 1126(e):

- The signatory believes that the applicant is entitled to use the mark in commerce;
- The applicant has a bona fide intention to use the mark in commerce on or in connection with the goods/services in the application; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

☒ To the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive.

☒ To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.

☒ The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Declaration Signature

Signature: /Arnette A. Steele/ Date: 05/24/2018
 Signatory's Name: Arnette A. Steele
 Signatory's Position: Attorney of Record, Virginia bar member
 Payment Sale Number: 87935388
 Payment Accounting Date: 05/25/2018

Serial Number: 87935388
 Internet Transmission Date: Thu May 24 16:54:51 EDT 2018
 TEAS Stamp: USPTO/BAS-XXX.XX.XX.XXX-2018052416545145
 0448-87935388-61095f25bda8db96253ec436cf

b2983f0a8c9261b6f94b64c67f673283f53215-C
C-6945-20180524140818417439

Therapy For Black Girls

4:20 ↗



account.godaddy.com

Receipt

Date: Aug 11, 2014 6:44 PM

Receipt #: 722242377

Customer #: 27891323

Bill To:

Joy Harden

220 College Avenue

Suite 315

Athens, GA 30601

United States

+1.8045018062

Payment Information:

PayPal #####962B

Paid: \$26.34

Items

.COM Domain Registration

Therapyforblackgirls.com

Item Number: 101

Quantity: 1



Print

EXHIBIT C

United States of America

United States Patent and Trademark Office

Therapy For Black Girls

Reg. No. 6,034,380

Registered Apr. 14, 2020

Int. Cl.: 25, 35, 41

Service Mark

Trademark

Principal Register

Joy Kimberly Bradford (UNITED STATES INDIVIDUAL)
108 E. Ponce De Leon Avenue
Suite 200
Decatur, GEORGIA 30030

CLASS 25: T-shirts, sweatshirts, tank tops and workout apparel, namely, tops as clothing, leggings, and sweatpants

FIRST USE 8-2-2018; IN COMMERCE 8-2-2018

CLASS 35: On-line retail store services featuring women's apparel, men's apparel, workout apparel, and accessories, namely, bags, journals, and coffee mugs; providing online business directory featuring clinicians and other mental health providers in the fields of psychology, counseling, family and relationship matters, mental health and mental wellness

FIRST USE 8-2-2018; IN COMMERCE 8-2-2018

CLASS 41: Entertainment services, namely, providing podcasts in the fields of psychology, counseling, mental health and mental wellness for Black women, Black women clinicians, women of color and women clinicians of color; educational services, namely, providing on-line non-downloadable resources in the nature of blog posts and articles in the fields of psychology, counseling, family and relationship matters, mental health and mental wellness; educational services, namely, providing resources through community forums and social media platforms conducting live and online coaching, namely, classes, seminars, and workshops platforms for Black women, Black women clinicians, women of color, and women clinicians of color in the fields of psychology, mental health, and mental wellness; providing online publications in the nature of information products, namely, videos, audio recordings, and slide presentations in the field psychology, counseling, family and relationship matters, mental health and mental wellness; providing a website featuring blogs and non-downloadable publications in the nature of articles in the fields of psychology, counseling, family and relationship matters, mental health and mental wellness

FIRST USE 8-11-2014; IN COMMERCE 9-21-2014

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

SEC.2(F)

SER. NO. 87-935,388, FILED 05-24-2018



Andrei Iancu

Director of the United States
Patent and Trademark Office



REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION

WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.

Requirements in the First Ten Years*

What and When to File:

- **First Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.
- **Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

- You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.



United States Patent and Trademark Office

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TESS was last updated on Sun Jun 19 03:32:22 EDT 2022

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Therapy For Black Girls

Word Mark**THERAPY FOR BLACK GIRLS****Goods and Services**

IC 025. US 022 039. G & S: T-shirts, sweatshirts, tank tops and workout apparel, namely, tops as clothing, leggings, and sweatpants. FIRST USE: 20180802. FIRST USE IN COMMERCE: 20180802

IC 035. US 100 101 102. G & S: On-line retail store services featuring women's apparel, men's apparel, workout apparel, and accessories, namely, bags, journals, and coffee mugs; providing online business directory featuring clinicians and other mental health providers in the fields of psychology, counseling, family and relationship matters, mental health and mental wellness. FIRST USE: 20180802. FIRST USE IN COMMERCE: 20180802

IC 041. US 100 101 107. G & S: Entertainment services, namely, providing podcasts in the fields of psychology, counseling, mental health and mental wellness for Black women, Black women clinicians, women of color and women clinicians of color; educational services, namely, providing on-line non-downloadable resources in the nature of blog posts and articles in the fields of psychology, counseling, family and relationship matters, mental health and mental wellness; educational services, namely, providing resources through community forums and social media platforms conducting live and online coaching, namely, classes, seminars, and workshops platforms for Black women, Black women clinicians, women of color, and women clinicians of color in the fields of psychology, mental health, and mental wellness; providing online publications in the nature of information products, namely, videos, audio recordings, and slide presentations in the field psychology, counseling, family and relationship matters, mental health and mental wellness; providing a website featuring blogs and non-downloadable publications in the nature of articles in the fields of psychology, counseling, family and relationship matters, mental health and mental wellness. FIRST USE: 20140811. FIRST USE IN COMMERCE: 20140921

Standard Characters Claimed**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

Serial Number 87935388**Filing Date** May 24, 2018**Current Basis** 1A**Original Filing Basis** 1A;1B**Published for Opposition** May 28, 2019

Registration Number 6034380
Registration Date April 14, 2020
Owner (REGISTRANT) Joy Kimberly Bradford INDIVIDUAL UNITED STATES 108 E. Ponce de Leon Avenue Suite 200 Decatur GEORGIA 30030
Attorney of Record Patrice N. Perkins
Type of Mark TRADEMARK. SERVICE MARK
Register PRINCIPAL-2(F)
Live/Dead Indicator LIVE
Distinctiveness Limitation Statement as to Class 41

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [TOP](#) [HELP](#)

[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)

EXHIBIT D



Sivonnia DeBarros <sdebarros@sldebarros.com>

Fwd: [Case: 12-1004238] Google Ads Trademark Complaint

2 messages

Patrice Perkins <pperkins@creativegeniuslaw.com>
To: Sivonnia DeBarros <sdebarros@sldebarros.com>

Wed, Jun 22, 2022 at 10:47 PM

----- Forwarded message -----

From: ads-trademarks-support@google.com <ads-trademarks-support@google.com>
Date: Feb 12, 2021, 9:43 PM
Subject: Re: [Case: 12-1004238] Google Ads Trademark Complaint
To: Patrice Perkins <pperkins@creativegeniuslaw.com>

Hello Patrice,
Thank you for your email.

We reviewed your feedback and completed our investigation. The ads in question from betterhelp.com will now be restricted in accordance with the Google Ads Trademarks policy, which varies by country and region. However, ads may display if they comply with our Reseller and informational site policy or target countries and/or regions outside the scope of your trademark complaint.

If you are still noticing ads from this advertiser using your trademark in ad text, please provide screenshots **and tracking URL(s)** of the ad(s) in question.

The tracking URL is not the same as the destination URL.

To retrieve the tracking URL, right-click on the ad title and select:
(i) "copy link address", if you are using the Chrome web browser, or
(ii) "copy link location", if you are using the Mozilla Firefox web browser, or
(iii) "copy link to clipboard" or "copy shortcut" if you are using the Internet Explorer web browser.

For additional information you can visit our [Trademarks policy page](#) and our [Help for trademark owners page](#).

Please let me know if you have any additional questions or concerns.

Regards,
Lukas
Google Legal Support Team

On Feb 11, 2021 at 8:13:11 PM pperkins@creativegeniuslaw.com wrote:

Lukas,

Thank you for your follow up. I've attached a screenshot of an ad that I still see. Please let me know when this will be removed.

Best,

Patrice

On Thu, Feb 11, 2021 7:04 PM, ads-trademarks-support@google.com wrote:

Hello Patrice,

Thank you for following up.

We completed our investigation regarding THERAPY FOR BLACK GIRLS in ads using the following display URL(s) that you identified in your complaint: betterhelp.com. Ads from the(se) URLs using the(se) trademark(s) in ad text should not display unless they comply with our Reseller and informational site policy or target countries and/or regions outside the scope of your trademark complaint.

If you are concerned with ads still using your trademark in ad text, or would like us to investigate ads using variations or misspellings of your trademark(s), please provide screenshots and tracking URLs of the ad(s) in question.

For additional information, you can visit our [Trademarks policy page](#) and our [Help for trademark owners page](#).

Regards,
Lukas
Google Legal Support Team

On Feb 2, 2021 at 11:20:50 PM pperkins@creativegeniuslaw.com wrote:

August,

My client's registration of Therapy for Black Girls® as a 2(f) mark entitles her to enforce her rights and your statement that you refuse to investigate this matter is not acceptable. I do not agree that BetterHelp has used this text within its ordinary meaning. It is prominently displayed as a headline. This is not coincidental. My client's mark is widely known and BetterHelp is aware of it. Their use is a blatant attempt to create confusion and divert business through the ad, which unlawfully infringes on my client's trademark.

As you are aware, the Lanham Act defines "descriptive fair use" (what I presume you are referring to in your response) as "use... of a term or device which is descriptive of and used fairly and in good faith only to describe the goods or services of such party, or their geographic origin..." (15 U.S.C. § 1115(b)(4)). On what grounds (and as you state, without an investigation) were you able to conclude that this was used in good faith?

Furthermore, in instances where there typically has been found to be use within its ordinary meaning or "descriptive fair use", the text is used in a sentence. For example, I implore you to refer to the CREST case concerning The Dentist's Choice trademark. In that case, the defendant had used the trademark in a sentence, i.e. The dentists' choice for fighting cavities and *within* the ad copy. Wonder Labs, Inc. v. Procter & Gamble Co., 728 F. Supp. 1058 (S.D.N.Y. 1990)

In my client's matter, the text is prominently displayed as an ad headline.

Your presumption that BetterHelp is using Therapy for Black Girls as a descriptive, truthful description of their services is odd considering they aren't running ads for Therapy for White Girls, Therapy for Latina Girls or Therapy for Pacific Islander Girls. They are running an ad for Therapy For Black Girls as a willing and knowing infringement on my client's trademark.

This is not a case of descriptive fair use.

Google's ad policy (cited by you) also states that advertisers may use the trademark in ad text if the trademark owner has authorized them to do. I have informed you through my initial complaint and again in this email that my client did *not* authorize use of their mark. We urge you to follow your own policy that explicitly states, "Google recognizes the importance of trademarks...Google takes trademark infringement very seriously" and actually take action on our complaint.

The 2(f) designation entitles my client to enforce her federally registered trademark. It is registered on the principal register and have the same protection granted to other trademark holders notwithstanding the descriptive fair use defense that you decided to invoke here. Again, without proof of good faith, that position is baseless. My client has the right to file this complaint with Google and for you to take it more seriously than you did in your initial reply.

This is a textbook case of trademark infringement.

As you are aware, under 15 U.S.C. § 1114, trademark infringement exists when a person who without the consent of the registrant uses in commerce any reproduction, counterfeit, copy, or colorable imitation of a registered mark **in connection with the sale, offering for sale, distribution, or advertising of any goods or services** on or in connection with which such use is likely to cause confusion, or to cause mistake, or to deceive. This is certainly the case here. BetterHelp's use of Therapy for Black Girls® in this ad is prominently displayed as an actual source identifier in connection with the advertisement of their services. It is trademark infringement.

Lastly, you asked for display url. The links I submitted with the complaint clearly show my client's mark used as a headline. It is not within the display url – probably because that would be a less prominent display. Nonetheless, this does not negate your responsibility to take real action to resolve this complaint.

Best,

Patrice Perkins

On Fri, Jan 15, 2021 7:31 PM, ads-trademarks-support@google.com wrote:

Hello Patrice,

We will not investigate your complaint regarding THERAPY FOR BLACK GIRLS because it is being used descriptively in its ordinary meaning and it is designated under section 2(f) with the U.S. Patent and Trademark Office. This designation means that there are potentially descriptive uses of this term.

However, if you believe that certain advertisers are using this term in a source-identifying manner, in reference to your product/service, please provide screenshots and a list of the display URLs of the ad(s) in question and we will review them. We will only review the use of this term in ads using the specific display URLs that you provide, and not any others.

Regards,
August
Google Legal Support Team

On Jan 13, 2021 at 12:55:15 PM ads-trademarks-support@google.com wrote:

Hello Patrice,

We are currently reviewing your complaint. We will send you a confirmation email after we have completed our review.

If you have questions related to your complaint, reply to this email. Please do not resubmit your complaint or follow up in separate emails. We receive a high volume of complaints and review them in the order they are received. Thanks for your patience.

Regards,
August
Google Legal Support Team

On Jan 8, 2021 at 2:54:10 PM pperkins@creativegeniuslaw.com wrote:

Hi,

I wanted to see if there is a status on this submission?

Best,

Patrice

On Tue, Dec 1, 2020 11:38 AM, ads-trademarks-noreply@google.com wrote:

Hello,

This is an auto-generated email.

Thank you for using our online trademark complaint form.

This email confirms that your complaint has been received.

If your complaint is missing any information, we will contact you via email, so be sure to keep your email address updated with us. Otherwise, we will send you an email once we have reviewed your complaint.

Please note that we receive a high volume of trademark complaints and review

them in the order they are received. We appreciate your patience.

Here is the information we received:

Name: Patrice Perkins

Company Name: Creative Genius Law

Relationship to trademark owner: Other

Address: [171 N. Aberdeen St., Suite 400](#)

Country: US

Email: pperkins@creativegeniuslaw.com

* I agree to permit Google to provide this email address to advertisers who request this information in order to inquire about this trademark complaint (eg. in order to obtain a permission to use the trademark).

TRADEMARK OWNER (IF NOT COMPLAINANT)

Trademark owner name: Dr. Joy Bradford

Address: [108 E. Ponce de Leon Avenue, Suite 200 Decatur Georgia](#)

Email: joy@therapyforblackgirls.com

TRADEMARK DETAILS

1. Client's mark is being used in BETTER HELP advertisements in a manner that creates a likelihood of confusion of the source of the mark..
US Reg. No. 6034380

SCOPE OF COMPLAINT - ADVERTISERS INVOLVED

All advertisers or specific advertisers? Specific advertisers, the URL(s) of concern are listed below.

<https://www.google.com/search?q=betterhelp+therapy+for+black+girls&oq=betterhelp+therapy+for+black+girls&aqs=chrome..69i57.4670j0j7&sourceid=chrome&ie=UTF-8>

COMPLAINT EXAMPLES

1. <https://www.google.com/search?q=betterhelp+therapy+for+black+girls&oq=betterhelp+therapy+for+black+girls&aqs=chrome..69i57.4670j0j7&sourceid=chrome&ie=UTF-8> BetterHelp - Therapy For Black Girls - Therapy From Your Couch

AUTHORIZED ENTITIES

CLARIFICATIONS

Files include USPTO TESS records for review of my client's mark, that includes an online directory of black clinicians, and the advertisement at issue.

Attachment(s): Yes

LEGAL AFFIRMATIONS

* I have a good faith belief that use of the trademarks described above with the advertisements described above are not authorized by the trademark owner or its agent, nor is such use otherwise permissible under law.


* I represent that the information in this notification is true and correct and that I am authorized to act on behalf of the trademark owner.

If you have additional questions at this time, please visit our Help Center at <https://support.google.com/google-ads> to find answers to many frequently asked questions.

Sincerely,

Google Advertising Legal Support Team

Patrice N. Perkins Principal Attorney, Creative Genius Law

 (312) 528-9259

 171 N. Aberdeen St., Suite 400, Chicago, Illinois 60607

 pperkins@creativegenius.com

 www.creativegeniuslaw.com



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Communication with an attorney does not by itself create an attorney/client relationship or constitute provision or receipt of legal advice. Any communication with an attorney should be considered informational use only, and should not be relied upon or acted upon until a formal attorney/client relationship is established via a written agreement.

Patrice N. Perkins Principal Attorney, Creative Genius Law

☎ (312) 528-9259

🏠 171 N. Aberdeen St., Suite 400, Chicago, Illinois 60607



@ pperkins@creativegeniuslaw.com

🌐 www.creativegeniuslaw.com

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Thanks for sending this. I'll plug in the information.

[Quoted text hidden]

EXHIBIT E



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Saint Paul, MN 55104-6384

Main: 651.894.6800
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August 20, 2021

Via Electronic Mail

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E-mail: [<pperkins@creativegeniuslaw.com>](mailto:pperkins@creativegeniuslaw.com)

Re: Claimed Infringement and Dilution of THERAPY FOR BLACK GIRLS Trademark

Dear Attorney Perkins:

Your letter of July 17th to Compile Inc. d/b/a BetterHelp was forwarded to me for response; my firm provides trademark counsel to Teladoc Health, Inc., which is BetterHelp's parent company. As you likely know, BetterHelp is a Web-based provider of online, on-demand mental and emotional therapy services; the company is the world's leading provider of remote therapy services, and its customers include individuals of a wide range of races, religions and nationalities.

As an initial matter, please note that as the owner of a large portfolio of patent, trademark and copyright rights, Teladoc respects the intellectual property rights of others and would work promptly to remedy any situation in which it is credibly accused of infringing such rights. After reviewing your letter and the company's records regarding the activities about which your client complains, however, we do not believe that Teladoc has infringed or diluted your client's trademark rights or committed any other wrongdoing.

We understand the heart of your client's concerns to be the following: after stating that the phrases "Therapy For Black Girls" and "Therapy For Black Women" appeared in certain advertisements run by BetterHelp, you claim, "Given that, your company is using the [THERAPY FOR BLACK GIRLS] mark in connection with the promotion, advertisement and offering of an online business directory featuring clinicians and other mental health providers in the fields of psychology, counseling and family relationship matters, mental health and mental wellness; and services, this is more than a minor case of infringement." In response, Teladoc notes the following:

Atty. Patrice Perkins
August 20, 2021

1. BetterHelp Does Not Use The Phrase “Therapy For Black Girls” As A Trademark

As indicated, BetterHelp promotes and provides its therapy services to a wide range of individuals, including African-American girls and women. BetterHelp does not use the phrases “therapy for Black girls,” “therapy for Black women,” or any similar phrase as a trademark, *i.e.*, as a source-identifier for its therapy services or for any other goods or services. Any instance in which BetterHelp has used those phrases has been wholly descriptive in nature so as to name or describe one of the groups of consumers to whom the company targets or provides its therapy services. Your client’s registration and rights in the trademark THERAPY FOR BLACK GIRLS for items such as sweatpants, coffee mugs and podcasts do not prevent BetterHelp and others from using the phrase “therapy for Black girls” to describe therapy services provided to Black girls. Such “descriptive fair use” is explicitly permitted by the Lanham Act, which provides that trademark infringement does not occur when “the name, term, or device charged to be an infringement is a use, otherwise than as a mark...of a term or device which is descriptive of and used fairly and in good faith only to describe the goods or services of such party.” 15 U.S.C. § 1115(b)(4). This is exactly the manner in which any use of these phrases by BetterHelp has occurred.

2. Your Client’s Trademark Rights Do Not Extend To Therapy Services

Your letter also claims that BetterHelp “is acting with a bad faith intent to profit from” your client’s trademark, but BetterHelp’s commercial activity centers solely on the provision of therapy services, a service for which your client’s trademark is not protected and which your client has expressly stated it does not provide. We note that during the prosecution of your client’s application to register the trademark THERAPY FOR BLACK GIRLS, the Patent and Trademark Office initially issued an Office Action objecting to registration because “the proposed mark would immediately be understood as describing the nature and intended user of applicant’s services, namely, the provision of therapy services for black girls.” September 15, 2018 PTO Office Action. In response, your client argued that her trademark was not descriptive of the goods and services for which she sought protection, stating, “Applicant has not sought a Class 44 registration for THERAPY FOR BLACK GIRLS because Applicant is not offering ‘the provision of therapy’ services under the mark.” March 6, 2019 Response to Office Action. By her own admission, your client’s trademark rights do not extend to the services offered by BetterHelp, and as was noted by the PTO, the trademark is not protectable for such services.

Atty. Patrice Perkins
August 20, 2021

3. The THERAPY FOR BLACK GIRLS Trademark Is Not Susceptible To Dilution

We note your further claim that “The use of Therapy for Black Women in connection with BetterHelp’s services subjects BetterHelp to liability for...trademark dilution in violation of the Lanham Trademark Act, 15 U.S.C. § 1051 et seq.” This seems quite unlikely to be true. First, in order for a trademark to be dilutable, it has to be one which is “widely recognized by the general consuming public of the United States as a designation of source of the goods or services of the mark’s owner.” (15 U.S.C. § 1025, not § 1051.) Teladoc is skeptical that your client’s trademark has obtained the requisite level of fame, given prior judicial determinations that much better known trademarks were insufficiently famous to be diluted (*e.g.*, APP STORE, TINDER, COACH, VIRGIN, TORO, etc.). Moreover, the dilution statute explicitly requires consideration of “the degree of inherent or acquired distinctiveness of the famous mark.” Trademarks that have acquired distinctiveness (such as your client has claimed is the case with the THERAPY FOR BLACK GIRLS mark) are much harder to dilute than those that are inherently distinctive in nature, since the pertinent word or phrase continues to have a descriptive meaning even after secondary meaning has been acquired. In short, we believe your client’s mark is insufficiently famous and also insufficiently distinctive to be diluted.

We trust that the foregoing satisfies any reasonable concerns your client may have about BetterHelp’s activities.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Sean Ploen', with a stylized flourish at the end.

Sean Ploen